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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC et al., Case
No. 3:20-cv-05671-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF DANE P. SHIKMAN
IN SUPPORT OF GOOGLE'S
OBJECTIONS TO EPIC'S PROPOSED
INJUNCTION**

Judge: Hon. James Donato

DECLARATION OF DANE P. SHIKMAN

I, Dane P. Shikman, hereby declare:

1. I am an attorney at the law firm of Munger, Tolles & Olson LLP and counsel of record for Defendants in the above-captioned matter. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would testify competently to the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a PDF download of the following webpage: Clare Stouffer, *Bloatware: What it is + how to spot and remove it*, Norton (Nov. 28, 2022), <https://us.norton.com/blog/online-scams/bloatware>. The PDF was downloaded on April 29, 2024.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a PDF download of the following webpage: Cybersecurity & Infrastructure Sec. Agency, CISA, Privacy and Mobile Device Apps (Dec. 18, 2022), <https://www.cisa.gov/news-events/news/privacy-and-mobile-device-apps>. The PDF was downloaded on April 29, 2024.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a PDF download of the following webpage: Off. of Atty. Gen., Cal. Dep't of Justice, Protect Your Computer from Viruses, Hackers, and Spies, <https://oag.ca.gov/privacy/facts/online-privacy/protect-your-computer>. The PDF was downloaded on April 29, 2024.

5. Attached hereto as **Exhibit 4** is a true and correct copy of an excerpt from the deposition transcript of James Mickens, PhD, who was deposed in this litigation on March 22, 2023.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a PDF download of the following webpage: Frequently Asked Questions (FAQs), Unreal Engine, <https://www.unrealengine.com/en-US/faq> (last visited May 1, 2024). The PDF was downloaded on April 29, 2024.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition transcript of Paul Bankhead, who was deposed in this litigation on May 11, 2022.

8. **Exhibit 7** – Intentionally Left Blank .

1 9. Attached hereto as **Exhibit 8** is a true and correct copy of a PDF download of the
2 following webpage: Google Play Developer Distribution Agreement (“DDA”), [https://play.](https://play.google/developer-distribution-agreement.html)
3 [google/developer-distribution-agreement.html](https://play.google/developer-distribution-agreement.html). The PDF was downloaded on April 30, 2024.

4 10. Attached hereto as **Exhibit 9** is a true and correct copy of a PDF download of the
5 following Twitter page: Epic Games Store (@EpicGames), Twitter (Mar. 20, 2024 10:21 AM),
6 <https://twitter.com/EpicGames/status/1770500825166545305>. The PDF was downloaded on April
7 29, 2024.

8 11. Attached hereto as **Exhibit 10** is a true and correct copy of a PDF download of the
9 following webpage: Rachel Gamarski, Dina Bass and Cecilia D’Anastasio, *Xbox Talking to*
10 *Partners for Mobile Store, CEO Spencer Says*, BNN Bloomberg (Nov. 30, 2023), [https://www.](https://www.bnnbloomberg.ca/xbox-talking-to-partners-for-mobile-store-ceo-spencer-says-1.2005610)
11 [bnnbloomberg.ca/xbox-talking-to-partners-for-mobile-store-ceo-spencer-says-1.2005610](https://www.bnnbloomberg.ca/xbox-talking-to-partners-for-mobile-store-ceo-spencer-says-1.2005610). The
12 PDF was downloaded on April 29, 2024.

13 12. Attached hereto as **Exhibit 11** is a true and correct copy of a PDF download of the
14 following webpage: Alex Heath, *Meta is planning to let people in the EU download apps through*
15 *Facebook*, The Verge, (June 29, 2023 2:03 PM), [https://www.theverge.com/2023/6/29/23778928/](https://www.theverge.com/2023/6/29/23778928/meta-eu-facebook-plans-app-install-android-ads)
16 [meta-eu-facebook-plans-app-install-android-ads](https://www.theverge.com/2023/6/29/23778928/meta-eu-facebook-plans-app-install-android-ads). The PDF was downloaded on April 29, 2024.

17 13. Attached hereto as **Exhibit 12** is a true and correct copy of a PDF download of the
18 following webpage: Joint Advisory on Malware Scams Affecting Android Users issued by
19 Singapore Police Force and Cyber Security Agency of Singapore, [https://www.police.gov.sg/](https://www.police.gov.sg/media-room/news/20230815_joint_advisory_on_malware_scams_affecting_android_users)
20 [media-room/news/20230815_joint_advisory_on_malware_scams_affecting_android_users](https://www.police.gov.sg/media-room/news/20230815_joint_advisory_on_malware_scams_affecting_android_users). The
21 PDF was downloaded on May 2, 2024.

22 14. Attached hereto as **Exhibit 13** is a true and correct copy of a PDF download of the
23 following webpage: The Fortnite Team, *Announcing Epic Direct Payment on Mobile*, Epic
24 Games (Aug.13, 2020), [https://www.epicgames.com/fortnite/en-US/news/announcing-epic-direct-](https://www.epicgames.com/fortnite/en-US/news/announcing-epic-direct-payment-on-mobile)
25 [payment-on-mobile](https://www.epicgames.com/fortnite/en-US/news/announcing-epic-direct-payment-on-mobile). The PDF was downloaded on April 29, 2024.

26 15. Attached hereto as **Exhibit 14** is a true and correct copy of an excerpt from the
27 Reply Expert Report of Steven Tadelis, which was served on December 23, 2022.

28

1 16. Attached hereto as **Exhibit 15** is a true and correct copy of a PDF download of the
2 following webpage: Fed. Trade Comm’n, *How to Recognize and Avoid Phishing Scams* (Sept.
3 2022), <https://consumer.ftc.gov/articles/how-recognize-and-avoid-phishing-scams>. The PDF was
4 downloaded on April 29, 2024.

5 17. Attached hereto as **Exhibit 16** is a true and correct copy of the Complaint, Decision
6 and Order in *In re Epic Games, Inc.*, FTC Docket No. C-4790 (Mar. 13, 2023, https://www.ftc.gov/system/files/ftc_gov/pdf/1923203epicgamesfinalconsent.pdf). The PDF was downloaded on
7 April 29, 2024.
8

9 18. Attached hereto as **Exhibit 17** is a true and correct copy of a PDF download of the
10 following webpage: Play Console Help, *Enrolling in the user choice billing pilot*,
11 [https://support.google.com/googleplay/android-developer/answer/12570971?hl=en&ref_topic=](https://support.google.com/googleplay/android-developer/answer/12570971?hl=en&ref_topic=3452890&sjid=962272976662676777-NC)
12 [3452890&sjid=962272976662676777-NC](https://support.google.com/googleplay/android-developer/answer/12570971?hl=en&ref_topic=3452890&sjid=962272976662676777-NC). The PDF was downloaded on May 1, 2024.

13 19. Attached hereto as **Exhibit 18** is a true and correct copy of a PDF download of the
14 following webpage: PCI Sec. Standards Council, *PCI DSS v.4.0 Quick Reference Guide*,
15 [https://docs-prv.pcisecuritystandards.org/PCI%20DSS/Supporting%20Document/PCI_DSS-QRG-](https://docs-prv.pcisecuritystandards.org/PCI%20DSS/Supporting%20Document/PCI_DSS-QRG-v4_0.pdf)
16 [v4_0.pdf](https://docs-prv.pcisecuritystandards.org/PCI%20DSS/Supporting%20Document/PCI_DSS-QRG-v4_0.pdf). The PDF was downloaded on May 1, 2024.

17 20. Attached hereto as **Exhibit 19** is a true and correct copy of Attachments B-1
18 through B-5 from the Expert Report of Steven Schwartz, Ph.D., which was served on October 3,
19 2022.

20 21. Attached hereto as **Exhibit 20** is a true and correct copy of a document produced
21 by Google in this litigation bearing the Bates range GOOG-PLAY-003604574 to GOOG-PLAY-
22 003604591.

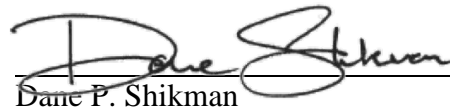
23 22. Attached hereto as **Exhibit 21** is a true and correct copy of a document produced
24 by Google in this litigation bearing the Bates range GOOG-PLAY-001507814 to GOOG-PLAY-
25 00150833.

26 23. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts from the
27 Expert Report of Zhiyun Qian, Ph.D., which was served on November 18, 2022.
28

1 24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the trial
2 testimony of Steven Allison in *Epic Games, Inc. v. Apple, Inc.*, No. C-20-5640-YGR (N.D. Cal.),
3 on May 7, 2021.

4
5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Executed on this 2nd day of May 2024, in San Francisco, California.

8
9 
10 Dane P. Shikman